

Ser. No. 10/731,201  
Filed Dec. 10, 2003  
Amendment A

#### REMARKS

The present Amendment A, is responsive to the Office Action dated March 10, 2005 and mailed and mailed April 18, 2005.

In order to bring the related concepts of the present invention into better focus, a further method claim 58 has been added by the present amendment. Claim 58 is commensurate with previously presented article claim 33. Additionally, the more specific features of the method aspects of the invention, as presented in claims 23, 29, 30 and 51 are now presented in newly added claims 59, 60, 61 and 62, which are each dependent on claim 58. Additionally, method claims 25, 26 are now dependent on claims 59 and method claims 31, 32 are dependent on claims 61. Claims 30 and 51 have been canceled, while claims 23 and 29 are withdrawn from present consideration.

Further amendments have been made to the claims for purposes of correcting typographical errors and to define the invention with greater specificity.

In response to the restriction requirement applicants hereby elect to prosecute claims to the novel aspects of joining foam core panels as set forth in article claims 33 and the article claims dependent thereon and as set forth in method claims 58 and the method claims dependent thereon.

As a result of the withdrawal/cancellation of claims, 23, 30 and 51, the Examiner's arguments regarding the "distinctiveness" of these claims from the article claims of Group III, are rendered moot. However, it will also be noted that such arguments were not well taken

and lack materiality in that they sought to establish “distinctiveness” under M.P.E.P. §805(e) which provide criteria relative to method claims as they relate to apparatus claims. The claims of group III define articles which are made pursuant to the method claims presented – these claims (group III) do not define an apparatus that performs the functions defined by the method claims as argued by the Examiner. Thus there is an absence of any position by the Examiner that the article claims of Group III are “distinct” from the method aspects of the invention.

Inasmuch as the Examiner has made a determination that the embodiment of Figs. 4, 5, 7 is an independent invention, supposedly “distinct” from the other species identified by the Examiner, then it would be inconsistent to maintain that applicants are not entitled to maintain claims to method and article in the same application.

Without prejudice to applicants’ position that restriction is improper, and in order that the response be fully responsive, applicants here by elect for prosecution in the present application articles claims of group III.

It is also submitted that the requirement for election to a single species is without justification.

It will first noted that Group 1 comprises figures which are specifically referenced as providing a background for the invention yet to be described and Figs. 2, 3 are specifically designated as “PRIOR ART”.

Newly presented claim 58 is generic to all of the embodiments Groups 2-7.

Claim 33 is generic to all of the article embodiments of the invention and Groups 2-

6 and also Group 7 to the extent that Figures teach the provision of a foam core panel having an undercut slot essential for forming an assembly of foam core panels.

Also claim 34 is generic to species 2-4, 6.

The basis for the Examiner's statement that "none of the claims appears to be generic" must be challenged.

For purposes of complying with the election requirement, applicants hereby elect to prosecute claims to the species of Group 2.

The following claims read on this embodiment:

33-40, 42, 43, 58

It will also be pointed out that the election requirement also unfairly limits applicants' ability to fully protect their inventive concepts without the expense of a multiplicity of patents. In this regard, applicants have in mind, for example, claims 44 and 45 which cover a feature that minimizes costs, which feature could be used in any of the embodiments.

#### Summary

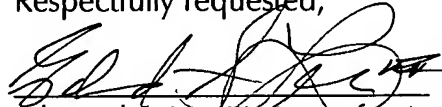
It is respectfully submitted that the inventive concepts claimed herein are not "distinct" within the meaning of the statute and that applicants would be unduly burdened by the expense of obtaining and maintaining a multiplicity of patents to provide the full measure of protection for the inventive concepts, which revolve around a common feature of joining foam core panels.

Accordingly, it is requested that the restriction and election requirements be

withdrawn (excepting as to the withdrawn claims) and that an early and favorable action on the merits of the claims be issued.

In closing, the Examiner is requested to give particular attention to the order making this application special. The inventor Edgar L. Wilkinson is over 75 years in age and is desirous of enjoying the fruits of his inventive efforts. This application, which had previously been prosecuted to a partial extent (and an anticipatory interview conducted) will have been on file for more than eighteen months and before an action on the merits is issued. Any consideration in expediting prosecution will be gratefully appreciated.

Respectfully requested,



Edmund S. Lee III, Agent for Applicants

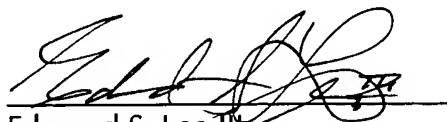
104 Fieldstone Dr.

Terrace Park, Ohio 45174

(513) 831-2494

#### **CERTIFICATE OF MAILING**

I hereby certify that the foregoing and accompanying, separate Claim Amendments were deposited with the United States Postal Service, prepaid first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 11, 2005.



Edmund S. Lee III